IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

MONDAY, THE 2ND APRIL 2007 / 12TH CHAITHRA 1929

WP(C).No. 20942 of 2005(R)

PETITIONER:

JAFER KHAN, AGED 42 YEARS,
S/O. AVUKKAR HAJI, KARUVALLY MUKULARKUDY HOUSE,
ARACKAPADY VILLAGE, VENGOLA KARA,
KUNNATHUNADU TALUK, ERNAKULAM DISTRICT.

BY ADV. SRI.T.A.UNNIKRISHNAN

RESPONDENTS:

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1. NABEESA, W/O. LATE MAKKAR,
CHEMMALAKUDY HOUSE, PATTIMATTOM VILLAGE,
CHELAKKULAM KARA, KUNNATHUNADU TALUK,
P.O. PATTIMATTOM.

2. BIJU PAUL, S/O. PAUL,
PALATHULLIL HOUSE, PERUMANNI BHAGHAM,
ARACKAPADY VILLAGE, VENGOLA KARA,
KUNNATHUNADU TALUK.

3. SMT.SOPHY, W/O. BIJU PAUL,
PALATTULLIL HOUSE, PERUMANNI BHAGAM,
ARACKAPADY VILLAGE, VENGOLA KARA,
KUNNATHUNADU TALUK.

4. VENGOLA GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY, PANCHAYATH OFFICE,
P.O. VENGOLA, PERUMBAVOOR-683 554.

5. REVENUE DIVISIONAL OFFICER
(SUB DIVISIONAL MAGISTRATE), MUVATTUPUZHA.

6. SUB INSPECTOR OF POLICE, PERUMBAVOOR.

7. CHIEF ENVIRONMENTAL ENGINEER,
POLLUTION CONTROL BOARD, REGIONAL OFFICE,
GANDHI NAGAR, ERNAKULAM, KOCHI-20.

8. JOINT DIRECTOR,
MINING AND GEOLOGY, REGIONAL OFFICE,
CIVIL STATION, KAKKANADU.

9. DISTRICT COLLECTOR,
CIVIL STATION, KAKKANADU.

BY ADV. SRI.M.M.SAIDU MUHAMMED
SRI.T.A.SHABEERALI
SRI.BABU JOSEPH KURUVATHAZHA,SC,POLU.C.
SRI.JOBI JOSE KONDODY
SRI.SIMON LUIZ
SRI.SHOBY K.FRANCIS
GOVERNMENT PLEADER SRI.MANOJ.
SMT.RESHMI POULOSE
SRI.M.K.CHANDRA MOHANDAS,SC,POLL.C.BOAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 02/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO.20942/05
A P P E N D I X

PETITIONER'S EXHIBITS :

EXT.P1 : TRUE COPY OF THE TITLE DEED OF THE PETITIONER DT. 13.8.2003.

EXT.P2 : TRUE COPY OF THE FAX RECEIPT OF THE PETITIONER DT. 11.7.2005.

EXT.P3 : TRUE COPY OF THE BUILDING TAX RECEIPT DT. 1.2.2005.

EXT.P4 : TRUE COPY OF THE RELEVANT PAGES OF THE RATION CARD OF THE PETITIONER.

EXT.P5 : TRUE COPY OF THE PAPER REPORT IN MALAYALA MANORAMA DAILY DT. NIL.

EXT.P6 TRUE COPY OF THE PROHIBITORY ORDER PASSED BY THE 5TH RESPONDENT DT. 26.2.2003.

EXT.P7 TRUE COPY OF THE REPRESENTATION DT. 6.7.2005.

EXT.P8 TRUE COPY OF THE ROUGH SKETCH SHOWING THE LIE OF THE PROPERTY QUARRYING A PANCHAYAT ROAD.

EXT.P9 TRUE COPY OF THE REPORT OF THE VILLAGE OFFICER DT. 13.7.2005.

RESPONDENTS' EXHIBITS :

EXT.R1A TRUE COPY OF THE QUARRYING PERMIT ISSUED BY THE GEOLOGIST DT. 3.6.2005 TO THE 2ND RESPONDENT.

EXT.R2B TRUE COPY OF THE RENEWED QUARRYING PERMIT DT. 2.8.2005 ISSUED BY THE GEOLOGIST.

EXT.R2C TRUE COPY OF THE LICENCE ISSUED BY THE DEPUTY CHIEF CONTROLLER OF EXPLOSIVES, ERNAKULAM DT. 29.4.2005.

EXT.R2D TRUE COPY OF THE PANCHAYAT LICENCE ISSUED TO THE 2ND RESPONDENT.

EXT.R2E TRUE COPY OF THE NO OBJECTION LETTER DT. 12.4.2005 GIVEN BY A.THAMBI TO RESPONDENTS 2 AND 3.

TGS

KURIAN JOSEPH, J.

W.P.(C) No.20942 of 2005

Dated 2nd April, 2007.

J U D G M E N T

Petitioner approached this Court with aggrieved by the pollution caused by the quarry conducted by the first respondent. In case the petitioner has still any grievance left, he may approach the Pollution Control Board, in which case, appropriate action in accordance with law in the matter with notice to the affected parties also will be taken expeditiously.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J

O.P.No. of 2002

J U D G M E N T

Dated 2nd April, 2007.